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on Hurricane Katrina and Elementary and Secondary Education

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Committee on Health, Education, Labor and Pensions  
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Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to report on the efforts of the Department of Education to help States and school districts meet the educational needs of students and families displaced by Hurricane Katrina. This is a most timely subject, and I truly appreciate the opportunity to discuss the current situation in the affected States, how the Department is helping State and local officials cope with the aftermath of the hurricane, and the President's proposals for assisting schools to educate children displaced by the hurricane and for helping communities in the disaster area reopen their schools as quickly as possible.

The Situation in Louisiana, Mississippi, and other Affected States

Mr. Chairman, in many ways, Hurricane Katrina was an event perhaps unlike any in our Nation's history, because of the sheer magnitude of the storm and subsequent flooding and the great number of people affected. The hurricane and the floods damaged or destroyed so many homes, businesses, communications networks, public health facilities, and, of course, schools, colleges, and universities. As Congress has already recognized, through the rapid approval of two emergency supplemental appropriations bills, a disaster of this magnitude calls for a national response, with strong Federal leadership. To lead that response, President Bush has announced a plan to provide the financial and other resources that will be needed to assist the many victims of the storm and to restore the infrastructure of the Gulf Coast region. As the President told the American people last week, we will work in close partnership with the States of Louisiana and Mississippi, the city of New Orleans, and other Gulf Coast communities, so that they can rebuild in a sensible, well-planned way, getting the job done quickly and wisely, and with the Federal Government shouldering the great majority of the costs. Just as important, the President's plan includes major assistance to communities that have taken in evacuated families, part of which involves reimbursement of their schools.

At Secretary Spellings' direction, high-level Department officials have spent many days recently in the Gulf Coast region, viewing the situation and working with State and local officials to determine how we can best be of assistance. In addition, Deputy Secretary Ray Simon and I are in constant communication with the chief State school officers in the most affected States, and the Secretary participated in a conference call with all chief

State school officers in order to gain a better understanding of the impact of this disaster on schools nationwide.

In the last two weeks, I visited Biloxi, Baton Rouge, and De Soto County, a northern Mississippi county that is absorbing a number of evacuated families. These visits helped me get an on-the-ground sense of the current situation in affected communities and a better understanding of what K-12 educators in the region need from the Department and the Federal Government. I found that the news reports and even the television pictures do not begin to convey the devastation wrought by the hurricane and its aftermath. And local educators, because they feel responsible for our children, who are so much of the Nation's future, are among the most deeply affected. In Biloxi, teachers, principals, and school superintendents came up to me, literally with tears in their eyes, to discuss what the disaster had done to their schools, their programs, and their students. Having previously served as superintendent of schools for the State of Mississippi, I was affected very personally and very emotionally by what I saw down there.

School districts in the path of the hurricane, where so many schools have been shut down, obviously have a major and immediate need for assistance in rebuilding. As you know, under legislation passed by Congress a decade ago, Federal responsibility for rebuilding schools, and for providing trailers and other temporary facilities in response to a natural disaster, is assigned to FEMA, not the Department of Education. But school authorities in the affected States have many other needs, which they are conveying to me and to the other officials of the Department who have been to the region.

Perhaps the most important immediate need is for assistance in educating the estimated 372,000 school children displaced by Katrina. By our count, 49 States and the District of Columbia have taken in displaced families and enrolled their children in their public schools. Of those, nine States have more than 1,000 displaced students in their schools. Other children are being taken in by private schools around the country. For some districts and schools, the number of displaced children suddenly enrolled is very significant, and this has resulted in strained local resources. No one, of course, had budgeted for this additional need when the school year began. I truly commend all the local school authorities who have enrolled displaced students and are working so hard to care for and educate them. But it is incumbent on us to provide them financial compensation for doing so.

State and local officials have also sought the Department's help, and the help of one another, in working through an array of other difficult issues. For example, districts have enrolled many children with disabilities without having on hand the Individualized Education Programs (IEPs) that document their needs and the special services those students were entitled to receive; those documents were sometimes literally washed away in the storm. The States and districts have sought guidance from our Office of Special Education Programs on how to deal with this issue. Receiving districts are also enrolling many 12<sup>th</sup>-graders, who face special challenges in completing their graduation requirements, sometimes passing a high school exit exam, and often in assembling transcripts and teacher recommendations to send to colleges, even when the transcripts

have been lost and the teachers are scattered across many States. State and local administrators are working together to solve these problems. We thank them, and we are doing what we can to help them.

#### Department of Education Response

In addition to requesting funding, officials from the most-affected States have asked for our assistance on a number of difficult issues, especially issues of compliance with Federal requirements in light of the disaster. We have tried to respond to these requests as quickly as possible, and to provide the affected States with the maximum available flexibility. As Deputy Secretary Simon recently put it, we want to leave all the red tape in the drawer, and give the States and school districts the flexibility they need in dealing with a unique and difficult situation.

Each of three most affected States has sent us requests for waivers of the Federal requirements that it believes pose the biggest problems in meeting needs resulting from the hurricane. The Department has considered each of these requests very carefully, but has also tried to get back to the States as quickly as possible. In recent days, we have announced a number of new policies, with more to follow. Some of these are:

- Mississippi and Louisiana requested a waiver of the Title I “maintenance-of-effort” requirement for affected districts, because those districts will not have the fiscal resources available to meet that requirement. Secretary Spellings has notified the States that we are willing to grant that request.
- Those two States have also requested an extension of the amount of time available for using certain Federal funds because, with the immediate need to deal with hurricane-related issues, the States may not be able to obligate those funds in the time that would normally be available. The Secretary provided an immediate one-year extension of the deadline for obligating Elementary and Secondary Education Act funds that would otherwise lapse at the end of this month, and made a commitment to work with the States to ease future funding deadlines if that need arises.
- Texas and Louisiana requested an extension of a number of the deadlines for submission of the reports required under the Elementary and Secondary Education Act, as amended by No Child Left Behind, and under the Individuals with Disabilities Education Act (IDEA). We agreed that, in an emergency situation, it would be entirely appropriate to extend most of those deadlines, and we are doing so.
- In order to make it easier for the Nation’s charter schools to enroll displaced students (and thus both ease the strain on regular public schools and give parents of those children additional choices), we have clarified that charter schools that receive Federal funds may, in their admissions lotteries, give priority to displaced

students. We have also offered those schools approximately \$20 million in additional fiscal year 2005 funding to serve displaced students.

I should also add a few points regarding waiver requests from the States. The first is that, in many cases, we have determined that no Federal waiver is needed. The Department has, instead, quickly responded to requests for these waivers with clarification of the flexibility already available to States under the law.

A second point is that, on some issues, particularly requests for waivers of some of the key provisions of the No Child Left Behind Act, our consideration may be taking a little more time, but we still expect to respond on a very rapid basis. The Secretary has stated that she has no intention of granting a nationwide waiver of the accountability provisions of NCLB. Likewise, she has stated that the situation in the affected States does not necessitate a wholesale abandonment of the key NCLB provisions, even for one year. That would be an unwise policy and a retreat from NCLB's commitment to holding schools accountable for the education of all students. However, as I stated earlier, we want to provide flexibility during what we recognize is a very difficult period in some of the States.

My final point in this area is that there are some provisions we might like to waive, but cannot. Our authority to waive provisions of the Elementary and Secondary Education Act is somewhat limited and, for other statutes, such as the Perkins Vocational and Technical Education Act and the McKinney-Vento Homeless Assistance Act, it is very narrow or nonexistent. Overall, our current authorities are simply not adequate, for a situation of this magnitude. This is why the President's plan, which I discuss below, includes a broad authority that would allow the Secretary to waive, for up to one school year, statutory or regulatory requirements that she administers or enforces, except those related to civil rights or safety, that may impede our ability to provide assistance as efficiently and expeditiously as possible to individuals or entities affected by the hurricane. We will periodically publish lists of the approved waivers to ensure transparency and consistency in how they are granted.

Before turning to the President's legislative proposal, I would like to mention one additional element of the Department's response to Katrina, the Hurricane Help for Schools web page. This page, which is linked to the Department's web site, provides a vehicle for schools, companies, organizations, and individuals to come together to help displaced students. Schools use the page to post requests for supplies and other resources students need. Companies post information on the resources they can provide, and also use it to make direct contact with needy districts. Already, some very gratifying things are happening through this effort. For instance, 100 evacuees attending Park Ridge Elementary School in Baker, Louisiana are get brand new backpacks filled with school supplies, courtesy of the *Where to Turn* organization, which is coordinating its efforts with Staten Island, NY schools and businesses. Student evacuees attending St. Mary's Catholic School in Longview, Texas are receiving new Brainchild hand-held learning devices donated by the Gatrou Group/Brainchild Academy of Coral Gables, Florida. And families in Sun Valley, Idaho have so far filled 25 backpacks with school supplies and

sent them to the Okaloosa County schools in Florida and the Sacred Heart School in Los Angeles. I am very pleased with the results of this initiative, which we will certainly continue in the coming months.

### The Administration's Proposal

A week ago, the President presented the Nation with a plan for compensating communities that have absorbed evacuated families, including schoolchildren, and for helping the Gulf Coast communities get back on their feet as soon as possible. For elementary and secondary education, the plan includes two major elements, along with the broad waiver authority I just described.

- We are requesting up to \$1.9 billion dollars to reimburse receiving school districts for the costs of educating displaced students this year and to assist affected districts in reopening their schools. Our plan would provide direct grants, from the Department to the district, to any district that enrolls at least 10 displaced students during school year 2005-2006. In order to ensure that the funds flow to districts that are currently enrolling displaced students, and in recognition of the fact that evacuated families are likely to be very mobile, we would make these payments on a quarterly basis, based on quarterly enrollment counts. We propose to pay each district a sum equal to 90 percent of the State's average per-pupil expenditure for elementary and secondary education, up to a maximum of \$7,500 per student. This amount would be intended to cover the full instructional costs of serving evacuated students, and some three-quarters of costs of student support services and administration.

Districts receiving these funds would have broad flexibility in how they spend them. They could use the money to pay staff salaries, purchase materials and equipment, provide for building maintenance or transportation, provide special services for limited English proficient, disabled, or other students, or meet any other expenses that school officials determine are most needed. The funding would thus be much like the general assistance we provide under the current Impact Aid program. We do not believe it would be appropriate to provide more "categorical" support and make the decisions in Washington about how these funds are used at the local level.

For Louisiana and Mississippi, this new funding would provide assistance both in serving displaced students and in helping districts in the Gulf Coast region reopen. For those two States only, we would grant the money to the State educational agency, rather than directly to districts, and then State officials would distribute funds both to districts serving evacuated students (for assistance in serving those students) and to Gulf Coast districts (for reopening schools).

- The second major element of our proposal, as it relates to elementary and secondary education, is assistance to evacuated families that choose to enroll their children in private schools. As you know, many of the schoolchildren who had to

leave the Gulf Coast region were private school students. Communities in Louisiana that were affected by the hurricane and flooding had an above-average number of children in private schools – some 61,000 were in private schools, compared to 187,000 students in public schools, in the four most affected parishes. In other words, about 25 percent of the students in those parishes attended private schools, compared to a national average of 11 percent.

We believe that the families of those children, as well as other families, should have the opportunity to enroll their children in private schools in their new locations. And just like we have seen with public schools across the country, many displaced students are already enrolled in private schools. These schools have graciously opened their doors in this time of need, and we ought to take that into account. Moreover, in some communities, the availability of private school slots may ease capacity concerns in the public schools, if the families, many of whose financial resources have been decimated, are provided support for paying private school tuition.

To address these issues, our proposal includes up to \$488 million for assistance to displaced families that enroll their children in private schools. We would make emergency, one-time grants to the States, which would in turn make assistance available to those families. Much like the public school assistance proposal, we would provide for each private school student a grant of up to 90 percent of the State per-pupil expenditure or \$7,500, except that the maximum amount could not exceed the student's tuition, fees, and transportation expenses. Finally, in order to ensure that these benefits go to families with the greatest need, our proposal would require the Secretary to limit participation to families with incomes or assets below a certain level.

I know that the Congress, including Members of this Subcommittee, is considering other proposals for educational assistance related to Hurricane Katrina, and that some of those proposals are very similar to those put forward by the President. I believe that, on balance, the President's plan provides the best combination of flexibility and accountability needed to meet the emerging needs of students and families affected by the hurricane. At the same time, I know that Secretary Spellings looks forward to working with you – and listening to your concerns as you continue to hear from your States and constituents – to develop a comprehensive and effective package to compensate communities and help reopen schools.

Mr. Chairman, this concludes my statement. I am sure the Members of the Subcommittee agree with me that the situation in the Gulf Coast region is extraordinary, and that an extraordinary situation demands some extraordinary actions. I urge you to accept the President's proposals for elementary and secondary education for areas affected by the hurricane.

I would be happy to answer any questions you may have.